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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,674	04/13/2001	Shunpei Yamazaki	12732-028001	2128

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EXAMINER	
MACKOWEY, ANTHONY M	
ART UNIT	**PAPER NUMBER**
2624	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/833,674	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	Anthony Mackowey	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-9,12-35,38-43,46-53,56-59,62-85,88-93 and 96-100* is/are pending in the application.

4a) Of the above claim(s) *13-34,39-42,47-50,63-84,89-92 and 97-100* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-9,12,35,38,43,46,51-53,56-59,62,85,88,93 and 96* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2001, 25 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

The amendment filed May 24, 2006 has been entered and made of record.

Applicant's arguments, see page 1 of remarks, filed May 24, 2006, with respect to rejection of claim 35 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The rejection of claim 35 under 35 U.S.C. 112, second paragraph has been withdrawn. Regarding amended claim 43, it appears that amendment has introduced an issue similar to the previous one. Please see the discussion of the rejection of claim 43 under 35 U.S.C. 112, second paragraph below.

Applicant's arguments filed May 24, 2006 with regard to rejections under 35 U.S.C. 103 have been fully considered but they are not persuasive. Applicant asserts that Ritter fails to describe or suggest "transmitting information about the judgment to a destination of communication when the biological information has matched the reference biological information." (first full paragraphs on page 2 of remarks) Applicant further asserts that the external devices taught by Ritter are not a destination of communication and that the refusal of access by to the device suggests that Ritter's transmitted result in not information about the judgment of the legitimacy of the user (last 3 lines of page 2 through page 3, line 5 of remarks). The examiner respectfully disagrees. With regard to the external secured devices, the transmission of the result of the authentication is a communication between the mobile communication terminal device and the external secured device, the external device being the destination of the transmission. Therefore, the external secured device can be reasonably

construed as a destination of communication as recited in the claims, nor does the claim language preclude any of the devices taught by Ritter. Regarding the information of the transmitted result taught by Ritter, Ritter clearly teaches the authentication of the user is determined before transmission of the result to the external device and the access permission is based on the data received (col. 5, lines 9-18). The devices taught by Ritter are operating in response to the authentication information being received from the mobile device. If the Ritter's teaching were as applicant asserts, examiner believes the transmission would be of the biometric keys (col. 4, lines 35-37) to the external device, not the "result of authentication" as recited by Ritter. The teachings of Ritter (col. 4, line 16 – col. 5, line 18) clearly indicate the "result of authentication" is a "judgment of legitimacy" as recited in the current claims, not the biometric keys transmitted to the external device and the external device making the authentication or legitimacy decisions as asserted by the applicant.

Applicant does not traverse the examiner's assertion of Official Notice in claims 1, 3, 7, 9, 35, 43, 51, 53, 57, 59, 85 and 93 with regard to flash memory and part of a palm pattern. Therefore the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 43, lines 9-13 recite, "means for transmitting information about the judgment to a destination of communication; means for transmitting information about the judgment to a destination of communication through the Internet when the read biological information has matched the reference biological information." Claim 43 recites two transmitting means, it is unclear whether there are two different means for transmitting the information about the judgment or an unintentional error resulting in somewhat redundant limitations. For examination purposes the examiner has interpreted the "means for transmitting information about the judgment to a destination" limitation as being redundant to the transmitting limitation including the Internet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-9, 12, 35, 38, 43, 46, 51-53, 56-59, 62, 85, 88, 93 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (USPN 6,657,538, cited on applicant's IDS) in view of Harkin (USPN 6,327,376, corresponding to WO 99/28701, cited on applicant's IDS).

Regarding claims 1 and 51, Ritter discloses a system for identifying an individual and a portable information device (col. 4, lines 16-27), comprising: a display device (column 4, line 25-32); a means for judging the legitimacy of the user by checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting

information about the judgment to a destination of communication in the case where said checking has matched (column 5, line 9-48).

Ritter does not disclose the display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user or the light-emitting element comprises a cathode, a light emitting layer and an anode. Ritter also does not disclose a flash memory for storing reference biological information of said user.

Harkin discloses an electronic apparatus comprising fingerprint sensing devices constructed using transparent sense electrodes and combined with a flat panel display device such that fingerprints are sensed as the user is interacting with the display (column 9, line 14-63). Harkin further discloses the fingerprint sensor and the thin film components required for the array may be fabricated directly on the surface of the upper plate of the display (col. 9, lines 37-40), thus the display device has pixels including a light emitting element and a sensor for reading biological information. Regarding the light-emitting element comprising a cathode, and light emitting layer and an anode, Harkin discloses the display device may be an electroluminescent display, which inherently is comprised of these elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to read biological information of a user by means of a display as taught by Harkin in order to dispose the sensing device over a display while still allowing the output of the display to be viewed for use in the field of portable electronic products using displays such as mobile phones, smart cards, personal digital assistants (PDAs), and other portable computers while avoiding the need for a larger casing or sacrificing an area of the casing that could otherwise be used for other purposes (Harkin, column 4, line 8-35).

Ritter discloses storing the biometric keys (biological information on a SIM-card, which is inserted into a communication device (col. 1, lines 46-49). Page 10, first paragraph of the specification recites, "This portable communication device is identical with conventional ones in having an antenna 601, a transmission and reception circuit 602, a signal processing circuit 603 to compress, expand and encode signals, a microcomputer 604 for control, a flash memory 605, a keyboard 606, a voice input circuit 607, voice output circuit 608, a microphone 609, a speaker 610 and, in addition, this device further has a sensor- incorporated display 611, a checking circuit part 612, etc." Examiner takes Official Notice that flash memory for storing data is well known in the art of portable electronic and communication devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the communication device taught by Ritter to alternatively store the reference biological information in flash memory instead of a SIM-card. One would have been motivated to use flash memory because it is suitable for long time saving, with no power required for storage, and can be expanded (via replacement or additional cards) to store larger amounts of data.

Regarding claims 7 and 57, Ritter discloses a system for identifying an individual and a portable information device (col. 4, lines 16-27), comprising: a display device (column 4, line 25-32); a means for judging legitimacy of the user by checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting information about the judgment to a destination of communication when the read biological information has matched the reference biological information (column 5, line 9-48); and a means for notifying said user (provide client and operator with instructions via user interface) that communication between said user and said destination of communication has been authorized

after said destination of communication receives information about the judgment (column 4, line 32-52; column 5, line 9-33).

The Examiner notes that Ritter does not explicitly disclose notifying the user that communication has been authorized, but it is obvious if not inherent that the user is informed of the authentication decision. It would have been obvious to one of ordinary skill in the art at the time the invention was made to notify said user, after said destination of communication receives information about the judgment, that communication between said user and said destination of communication has been authorized in order to inform the user whether or not communication has been authorized so that the user may take appropriate action.

Ritter does not disclose the display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user or the light-emitting element comprises a cathode, a light emitting layer and an anode. Ritter also does not disclose a flash memory for storing reference biological information of said user. Arguments analogous to those presented above for claims 1 and 51 are applicable to claims 7 and 57.

Regarding claims 35 and 85, Ritter discloses a system for identifying an individual and a portable information device (col. 4, lines 16-27), comprising: a display device (column 4, line 25-32); a means for judging legitimacy of said user by checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting information about the judgment to a destination of communication through the Internet when the read biological information has matched the reference biological information (column 5, line 9-48; column 6, line 1-15).

Ritter does not disclose the display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user (means for reading biological information of a user by means of said sensor-incorporated display) or the light emitting element comprises a cathode, a light emitting layer and an anode. Ritter also does not disclose a flash memory for storing reference biological information of said user. Arguments analogous to those presented above for claims 1 and 51 are applicable to claim 35 and 85.

Regarding claims 43 and 93, Ritter discloses a system for identifying an individual and a portable information device (col. 4, lines 16-27), comprising: a display device (column 4, line 25-32); a means for judging legitimacy of said user by checking read biological information with reference biological information (column 4, line 32-52); means for transmitting information about the judgment to a destination of communication through the Internet when the read biological information has matched the reference biological information (column 5, line 9-48; column 6, line 1-15); and a means for notifying said user (provide client and operator with instructions via user interface) that the communication between said user and said destination of communication has been authorized after said destination of communication receives information about the judgment (column 4, line 32-52; column 5, line 9-33; see above discussion of claims 7 and 57).

Ritter does not disclose the display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user (means for reading biological information of a user by means of said sensor-incorporated display) or the light emitting element comprises a cathode, a light emitting layer and an anode. Ritter also does not

disclose a flash memory for storing reference biological information of said user. Arguments analogous to those presented above for claims 1 and 51 are applicable to claim 43 and 93.

Regarding claims 2, 8, 52 and 58, Ritter discloses that said biological information of said user is a palm pattern or a fingerprint (column 2, line 52-61).

Regarding claims 3, 9, 53 and 59, neither Ritter nor Harkin explicitly disclose that said biological information of said user is a pattern of a part of the palm of the user. The examiner takes Official Notice that palm imaging is well known in the art of biometrics. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a pattern of a part of the palm as said biological information in order to identify the user based on the pattern of the palm.

Regarding claims 6, 12, 38, 46, 56, 62, 88 and 96, Harkin discloses the sensor comprises a contact type area sensor (column 5, line 54-column 6, line 23, line 58-column 7, line 10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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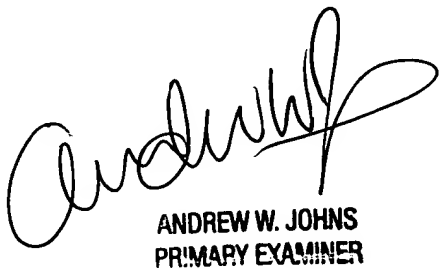

ANDREW W. JOHNS
PRIMARY EXAMINER